

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**RANDALL J. WOODS and
TRACY WOODS**

PLAINTIFFS

V.

CIVIL ACTION NO.: 4:07CV94-SA-DAS

CARROLL COUNTY, MISSISSIPPI, et. al

DEFENDANTS

**ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MOTION TO DISMISS**

Pursuant to an opinion issued today, it is hereby **ORDERED** that:

- (1) the Defendant's Motion to Dismiss the Amended Complaint or Portions Thereof [14] is **GRANTED** in part and **DENIED** in part;
- (2) As for violations of the Fourth Amendment with respect to arrest without probable cause and excessive force, the Court finds Deputy Sheriff Spellman is not entitled to qualified immunity at this stage in the proceedings; therefore,
- (2) the parties are instructed to contact the magistrate judge within 10 days of this Order to schedule a case management conference; and,
- (3) the clerk is directed to lift the stay on this case.

SO ORDERED, this the 9th day of June 2009.

/s/ Sharion Aycock
U. S. DISTRICT COURT JUDGE